

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

LINDA GUINYARD
Plaintiff,

vs.

RANDALL'S FOOD & DRUGS, LP
Defendant.

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Civil Action No. 4:22-CV-219

DEFENDANT'S NOTICE OF REMOVAL

Defendant Randall's Food & Drugs, LP ("Defendant") files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446 and respectfully shows:

Commencement and Service

1. On February 22, 2022 ("Plaintiff") commenced this action by filing an Original Petition ("State Court Petition") in District Court, in the 67th Judicial District of Tarrant County, Texas. The case is styled Cause No. 067-332077-22; *Linda Gurnyard vs. Albertsons Companies, Inc.; Albertsons, LLC; Randall's Food & Drugs, LP; Randall's Food Markets, Inc., Randall Properties, Inc.; and Safeway, Inc. d/b/a Tom Thumb*.¹

2. The Original Petition was served on all six of the corporate parties through CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. The only proper party to this lawsuit, *Randalls Food & Drugs, LP*, was served on February 25, 2022. The additional five improper parties were all served through CT Corporation System on February 25, 2022, including: *Albertson's LLC; Albertson's*

¹ See ***Exhibit A***, Plaintiff's Original Petition with citations.

Companies, LLC; Randall Properties, Inc.; Randalls Food Markets, Inc.; and Safeway Inc. d/b/a Tom Thumb.

3. Defendant Randall's Food & Drugs, LP, along with the additional improper parties that were served, timely filed their Original Answer to Plaintiff's Original Petition on March 18, 2022.² Defendants' Answer included a general denial, an assertion of the contractual right to arbitration, and appropriate affirmative defenses, one of which identified *Randalls Food & Drugs, LP* as the only proper party named in this matter.

4. This Notice of Removal is filed within thirty days of the receipt of service of Plaintiff's First Amended Petition to the proper and only current Defendant, Randall's Food & Drugs, LP and is therefore considered timely pursuant to 28 U.S.C. § 1446(b). This Notice of Removal is also filed within one year of the commencement of this action and is thus timely pursuant to 28 U.S.C. § 1446(c).

Grounds for Removal

5. Defendant is entitled to remove the state court action to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 because this action is a civil action involving an amount in controversy exceeding \$75,000.00 between parties with diverse citizenship.

² See ***Exhibit A***, Defendant Randall's Food & Drugs LP's Original Answer and Affirmative Defenses.

Diversity of Citizenship

6. There is complete diversity of citizenship between Plaintiff and Defendant.

7. Plaintiff is a citizen of Tarrant County, Texas.³

8. Defendant Randall's Food & Drugs, LP is not a citizen of the State of Texas. Randall's Food & Drugs, LP is a Delaware limited partnership with its principal place of business at 11555 Dublin Canyon Road, Pleasanton, California 94588.⁴

Amount in Controversy

9. There is more than \$75,000 alleged in controversy. Pursuant Plaintiff's Original Petition, Plaintiff seeks more than \$250,000 but less than \$1,000,000 in damages.⁵

Venue

10. Venue lies in the Northern District of Texas, Fort Worth Division, pursuant to 28 U.S.C. §§ 1441(a) and 1446(a) because Plaintiff filed the action in this judicial district and division.

Notice

11. Defendant will give notice of the filing of this Notice of Removal to all parties of record pursuant to 28 U.S.C. § 1446(d). Defendant will also file with the

³ See *Exhibit A*, Plaintiff's Original Petition.

⁴ See *Exhibit D*, Affidavit of Michael Dingel.

⁵ See *Exhibit A*, Plaintiff's Original Petition.

clerk of the state court and will serve upon Plaintiff's counsel, a notice of the filing of this Notice of Removal.

Exhibits to Notice of Removal

12. In support of this Notice of Removal and pursuant to 28 U.S.C. §1446(a), true and correct copies of the following documents are attached to this Notice as corresponding lettered exhibits:

- A. Index with Docket Sheet and all pleadings, process, orders, and all other filings in the State Court Lawsuit – ***Exhibit A***
- B. Certificate of Interested Parties – ***Exhibit B***
- C. Notice of Filing Removal in State Court – ***Exhibit C***
- D. Certification of Michael Dingel - ***Exhibit D***

Prayer

WHEREFORE, Defendant Randall's Food & Drugs, LP, pursuant to the statutes cited herein and in conformity with the requirements set forth in 28 U.S.C. § 1446, removes this action from the District Court of Travis County, Texas to this Court.

Respectfully submitted,

By: /s/ Trek Doyle
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*ATTORNEYS FOR DEFENDANT
RANDALLS FOOD & DRUGS, LP*



CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the above and foregoing document has been served by electronic delivery to counsel identified below on this, the 25th day of March 2022.

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